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March 8, 2021

VIA ECF

The Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo*,
Case No. 16-cv-4480 (JMF)

Dear Judge Furman:

We represent the Export Import Bank of the Republic of China (“Ex-Im Bank”), judgment creditor in this matter.

On October 29, 2020, this Court issued its opinion and order granting Ex-Im Bank’s motion for sanctions (ECF No. 64; the “Order”). In the Order, the Court directed Ex-Im Bank to file a status letter with this Court every two months describing what sanctions had accrued, providing information on any contact or communications with the DRC regarding the dispute, and stating whether Ex-Im Bank believed that the sanctions ordered should be revisited or modified.

Ex-Im Bank filed the initial letter required on December 28, 2020. A second letter was therefore due on or about February 28, 2021, which Ex-Im Bank failed to submit. This Court entered an order on March 5, 2021, extending the deadline to March 12, 2021 as a courtesy.

We sincerely apologize to the Court for the oversight. This is the required status letter.

Since our letter to the Court of December 28, 2020, there have been no communications between counsel for Ex-Im Bank and any principals or legal representatives of the DRC. (We did, of course, serve the letter of December 28, 2020 on Benita Kindongo, Esq., who has indicated that she continues to represent the DRC).

Per the Order, sanctions began at \$1,000 a day on November 19, 2020, with the amount doubling every four weeks to a maximum of \$80,000 per week.

From November 19, 2020 through today’s date, March 8, 2021, 110 days have elapsed (including November 19 and March 8). Figuring a month at four weeks (28 days), \$28,000 cumulated at the rate of \$1,000 a day for the first 28 days; \$56,000 cumulated at the rate of \$2,000 a day for the next 28 days; \$112,000 cumulated at the rate of \$4,000 a day for the next 28 days; and \$208,000 cumulated at the rate of \$8,000 a day for the 26 remaining days (of the 110) through today’s date. Thus \$404,000 in sanctions have cumulated as of today’s date.

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Three days from now, on March 11, 2021, the sanctions would double again, except that the Order limits the sanctions total to \$80,000 a week. Thus, as of March 11, 2021, sanctions will cumulate at the rate of \$11,428 per day.

There has been a recent change of government. In the final days of January, 2021, the government collapsed upon the censure of its Prime Minister. On February 15, 2021, the DRC's President Felix Tshisekedi appointed a new Prime Minister, Jean-Michel Sama Lukonde Kyenge. As we understand it, a new Minister of Finance has been appointed but not yet confirmed; and the new government has yet to name a Minister of Justice. However, we are monitoring the situation, and have some basis to hope that we may be able to create a line of communication to the new government.

We will attempt to do so during the period leading up to the next status letter. We will also try to assure that this status letter promptly reaches the responsible officials in that new government.

At this time, Ex-Im Bank seeks no change to the terms of the Order.

As to the status letters, we have calendared Wednesday, April 28, 2021, thus restoring the regular two-month cycle that began on December 28, 2020. We have also calendared June 28, August 27, October 28, and December 28, as deadlines for the two-month regular status reports.

We apologize again for the oversight, and of course stand ready to assist the Court with whatever further information the Court may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'PS' followed by a long horizontal flourish.

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cc: Benita Kindongo, Esq.